

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LELAND CHARLES THOMAS,

Defendant.

CR-14-40-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Amended Findings and Recommendations in this matter on July 23, 2020. (Doc. 86.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 22, 2020. (Doc. 82.) The United States accused Thomas of violating his conditions of supervised release 1) by using methamphetamine; 2) by committing another crime and; 3) by possessing methamphetamine. (Doc. 62).

At the revocation hearing, Thomas admitted that he had violated the conditions of his supervised release: 1) by using methamphetamine; 2) by committing another crime and; 3) by possessing methamphetamine. (82.) Judge Johnston found that the violations Thomas admitted proved to be serious and warranted revocation, and recommended that Thomas receive a custodial sentence of 20 months, with no supervised release to follow. Judge Johnston recommended that Thomas serve his term of custody in a medical facility given that he has prostate cancer. Thomas was advised of the 14 day objection period and his right to allocute before the undersigned. Thomas waived those rights. (Doc. 82.)

The violations prove serious and warrant revocation of Thomas's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 86) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Leland Charles Thomas be incarcerated for a term of 20 months of custody, with no supervised release to

follow. Thomas should serve his term of custody in a medical facility given that he has prostate cancer.

DATED this 23rd day of June, 2020.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court